

## REMARKS/ARGUMENTS

In response to the Examiner's Office Action of April 15, 2008 issued in relation to the present Patent Application, the Applicant submits the accompanying Amendments to the claims, and the below Remarks.

Claims 1-38 and 40 are presented for examination. Claims 1 and 40 are independent claims.

### *Regarding 35 USC 112 Claim objections*

Claims 14, 15, 22, 36 and 39 are rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 14 and 15 have been amended to include "Global Positioning System" before the first use of the acronym "GPS".

Claim 36 has been amended to include "Electronic Product Code" before the first use of the acronym "EPC".

Claim 39 has been cancelled from the application.

### *Regarding 35 USC 102 and 35 USC 103 Rejections*

Claims 1-2, 4-5, 8-17, 20-23, 25, 27-36, and 40 are rejected under 35 USC 102(b) as being anticipated by Kaddeche et al. (US 2002/0046104).

Claims 18, 19, 24 and 26 are rejected under 35 USC 103(a) as being unpatentable over Kaddeche et al. in view of Yilin Zhao "Mobile Phone Location Determination and Its Impact on Intelligent Transportation Systems" IEEE Transactions on Intelligent Transportation Systems, Vol. 1, No. 1, March 2000.

Claims 3, 6, 7, 37, 38 and 39 are rejected under 35 USC 103(a) as being unpatentable over Kaddeche et al. in view of Barnes, Jr. (US 2003/0065805).

Kaddeche teaches a method and system for optimally costing and targeting advertising impressions on the Internet. More particularly, the right to insert an advertising impression on a web page viewed by a user is bid on by several advertisers. The advertisers are provided with user attributes, such as geographic location, age group, sex, income bracket, shopping habits etc. to enable them to decide whether to bid, and the bid amount.

Kaddeche also teaches a method of searching the web to help a subscriber do comparison-shopping. The subscriber first enters a merchandize she has in mind to the wireless device, either through manual entry or by scanning the bar code of an item on the shelf. Upon receiving the product number that identifies an item, the proxy server searches the web to find the businesses that carry items matching such product number within a subscriber-defined region. Such information may be communicated to the subscriber instantly such that the subscriber can decide whether to purchase such product right there, or go to another store if the difference is substantial.

Kaddeche, alone or in combination with the other references of record, fails to teach machine-readable coded data disposed on or in a surface of an article identifying the article as well as a position of the coded data on the surface of the article. Accordingly, Kaddeche fails to teach determining from interaction data an identity of the article and the position of the coded data interacted with by the sensing device. In the system of Kaddeche, even though not fully described, the subscriber would need to enter some form of page which allows price comparisons. A product number identifying the product has to be communicated to the price comparison server in a query, with the query including the product number and location. If the server just receives the product number and location without a query the server would not know what to do with that data. Alternatively, the server has to be dedicated for that service (single query type), in which case sending that data to the specific server forms the query.

In embodiments of the instant invention, because the identity of the article and the position of the coded data interacted with by the sensing device are received, the particular information the user is requesting can be determined. The information is then filtered based upon the geographical location also received.

Kaddeche fails to teach determining, from the location data, the identity of the article and the position of the coded data interacted with by the sensing device, the information to be provided to the user.

In view of the foregoing it is submitted that Claim 1, as amended, is patentable over the references of record.

Claims 2-38 are directly or indirectly dependent upon independent claim 1, and are allowable for at least that reason. Claim 40 is a system counterpart claim to method claim 1, and is patentable for the reasons submitted above with regards to claim 1.

### CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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